

EXHIBIT LIST

EXHIBIT A

Affidavit of Service, Special Process Server

EXHIBIT B

Sworn Declaration Pursuant To 28 U.S.C.A. § 1746
James Rosemeyer, Contributions Manager

EXHIBIT C

Sworn Declaration Pursuant To 28 U.S.C.A. § 1746
Daniel P. McAnally, Plaintiffs Attorney

Exhibit A

Exhibit A

AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

TRUSTEES of the REGIONAL COUNCIL OF
CARPENTERS PENSION FUND, WELFARE FUND
and APPRENTICE & TRAINEE PROGRAM FUND

CASE NUMBER:

08 C 797

V.

ASSIGNED JUDGE:

BENCHMARK OVERHEAD DOOR CORP.

DESIGNATED
MAGISTRATE JUDGE:

**JUDGE KENNELLY
MAGISTRATE JUDGE MASON**

TO: (Name and address of Defendant)

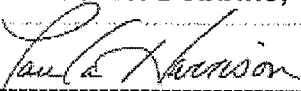
BENCHMARK OVERHEAD DOOR CORP.
c/o STANLEY NIEW, REGISTERED AGENT
NIEW LEGAL PARTNERS
600 HUNTER DRIVE, SUITE 225
OAK BROOK, IL 60523

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

DANIEL P. McANALLY
WHITFIELD McGANN & KETTERMAN
111 E. WACKER DRIVE
SUITE 2600
CHICAGO, IL 60601

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk



(By) DEPUTY CLERK

February 6, 2008

Date



ClientCaseID: N7601/DPM
Law Firm ID: WHITFIEL



CaseReturnDate: 3/14/08

Affidavit of Special Process Server

UNITED STATES DISTRICT COURT

Case Number **08C797**

I, **ERIC L. BEY**

FIRST DULY SWORN ON OATH STATES THAT I AM OVER 18 YEARS OF AGE AND NOT A PARTY TO THIS SUIT AND IS A REGISTERED EMPLOYEE OF ILLINOIS DEPARTMENT OF PROFESSIONAL REGULATION PRIVATE DETECTIVE AGENCY #117-001292 STERN PROCESS & INVESTIGATION LLC 205 W. RANDOLPH ST. #1210 CHICAGO IL 60606

CORPORATE SERVICE

THAT I SERVED THE WITHIN **SUMMONS AND COMPLAINT**
ON THE WITHIN NAMED DEFENDANT **Benchmark Overhead Door Corp.**
PERSON SERVED **JOE BERGLUND (ATTORNEY)**
BY LEAVING A COPY OF EACH WITH THE SAID DEFENDANT ON **2/28/08**

That the sex, race and approximate age of the person whom I left the **SUMMONS AND COMPLAINT**
are as follow:

Sex **MALE** Race **WHITE** Age **47**
Height **6'0"** Build **MEDIUM** Hair **GREY**

LOCATION OF SERVICE **900 JORIE BLVD STE 122**
OAK BROOK, IL, 60521

Date Of Service **2/28/08** Time of Service **10:31 AM**

ERIC L. BEY

2/28/2008

Special Process Server
P.E.R.C.#129-303704

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statement are true and correct, except as to matters therein stated to be on information and belief and such matters the undersigned certifies as aforesaid that he/she verily believes same to be true.

Exhibit B

Exhibit B

5. The Defendant submitted the contribution reports for the period August 2007 through January 2008 but did not pay the contributions. The reports show that \$25,621.71 is owed in ERISA contributions. The Defendant also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$1,623.71 for the period November 2007 through January 2008.

6. Because of its failure to pay contributions in a timely manner, the Trust Agreement and Collective Bargaining Agreement mandate the assessment of liquidated damages. The liquidated damages calculation was based on the rate set forth in the controlling Trust Agreements, which is 1.5% compounded per month. The amount of liquidated damages owed is \$2,415.12 for the period June 2007 through January 2008.

7. The interest calculation is based on the ERISA Section awarding such interest, 29 U.S.C. §1132(g)(2) and because the relevant Trust Agreements do not specify the rate of interest, the calculations were done pursuant to Section 6621 of the Internal Revenue Code. The amount of interest owed is \$502.89.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Declaration is true and correct.

Date: April 29, 2007

Signature: James Rose

50168 BENCHMARK OVERHEAD DOOR
 3N555 17TH ST
 ST CHARLES IL 60174

	FRINGES	DUES	LD'S	INTEREST
Jun-07	\$0.00	\$0.00	\$196.37	\$0.00
Jul-07	\$0.00	\$0.00	\$370.29	\$0.00
Aug-07	\$4,496.70	\$0.00	\$493.94	\$158.74
Sep-07	\$4,515.78	\$0.00	\$421.97	\$128.87
Oct-07	\$4,833.11	\$0.00	\$373.52	\$104.36
Nov-07	\$4,693.96	\$655.99	\$288.04	\$70.03
Dec-07	\$3,684.08	\$510.65	\$168.28	\$31.78
Jan-08	\$3,398.08	\$457.07	\$102.71	\$9.11
 TOTAL	 \$25,621.71	 \$1,623.71	 \$2,415.12	 \$502.89
 TOTAL AMOUNT DUE		 \$30,163.43		

Summary of Contributions, Liquidated Damages & Interest Due
For The Reporting Period(s) Specified Below
Computed Through March 5, 2008

Employer Information

File Number 50168
Name BENCHMARK OVERHEAD DOOR
Address 3N555 17TH ST
City, State ST CHARLES, IL. 60174-0168
Telephone

Page Number 1 of 3
Reference Number: 8-22
Date Printed: 03/05/2008

Reporting Period	Delinquent Contributions	Liquidated Damages (1)	Interest(1)	Total Due
August, 2007	\$ 4,496.70	\$ 493.94	\$ 158.74	\$ 5,149.38
September, 2007	4,515.78	421.97	128.87	5,066.62
October, 2007	4,833.11	373.52	104.36	5,310.99
November, 2007	4,693.96	288.04	70.03	5,052.03
December, 2007	3,684.08	168.28	31.78	3,884.14
January, 2008	3,398.08	102.71	9.11	3,509.90
Grand Total	\$ 25,621.71	\$ 1,848.46	\$ 502.88	\$ 27,973.05

(1) See Attached Computation

Total Amount Due : \$ 27,973.05 If Paid by March 5, 2008

Computation of Liquidated Damages
For The Reporting Period(s) Specified Below
Computed Through March 5, 2008

Employer Information

File Number 50168
Name BENCHMARK OVERHEAD DOOR
Address 3N555 17TH ST
City, State ST CHARLES, IL. 60174-0168
Telephone

Page Number 2 of 3
Reference Number: 8-22
Date Computed: 03/05/2008

Reporting Period	Contributions Due	Computation Base	Compounding Periods	Computed Damages (2)	Total (3) Damages For Reporting Period
August, 2007	\$ 4,496.70	\$ 4,496.70	7	\$ 493.94	\$ 493.94
September, 2007	4,515.78	4,515.78	6	421.97	421.97
October, 2007	4,833.11	4,833.11	5	373.52	373.52
November, 2007	4,693.96	4,693.96	4	288.04	288.04
December, 2007	3,684.08	3,684.08	3	168.28	168.28
January, 2008	3,398.08	3,398.08	2	102.71	102.71
Total	\$ 25,621.71				\$ 1,848.46

(2) 1.50% Compounded per Month (or portion thereof)

Computation of Interest
For The Reporting Period(s) Specified Below
Computed Through March 5, 2008

Employer Information

File Number 50168
Name BENCHMARK OVERHEAD DOOR
Address 3N555 17TH ST
City, State ST CHARLES, IL. 60174-0168
Telephone

Page Number 3 of 3
Reference Number: 8-22
Date Computed: 03/05/2008

Reporting Period	Contributions		Computation		Delinquent Period		Computed		Total
	Due		Base		From	To	Days	Interest (3)	Interest For Reporting Period
August, 2007	\$ 4,496.70	\$	4,496.70		09/21/2007	03/05/2008	167	\$ 158.74	\$ 158.74
September, 2007	4,515.78		4,515.78		10/21/2007	03/05/2008	137	128.87	128.87
October, 2007	4,833.11		4,833.11		11/21/2007	03/05/2008	106	104.36	104.36
November, 2007	4,693.96		4,693.96		12/21/2007	03/05/2008	76	70.03	70.03
December, 2007	3,684.08		3,684.08		01/21/2008	03/05/2008	45	31.78	31.78
January, 2008	3,398.08		3,398.08		02/21/2008	03/05/2008	14	9.11	9.11
Total	\$ 25,621.71								\$ 502.88

Exhibit C

Exhibit C

6. In addition, the filing fee was \$350.00 and the fees for service of process were an additional \$160.00. These costs total \$510.00.

7. I certify that the attached detailed attorney fees and costs totaling \$2,155.00 were necessary and reasonable.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Declaration is true and correct.

Date: April 29, 2007

s/ DANIEL P. McANALLY

Attorney for the Trustees of the Chicago
Regional Council of Carpenters Pension Fund,
et al.

4/30/2008
3:19 PMWHITFIELD, McGANN & KETTERMAN
Slip Listing

Page 1

Selection Criteria

Case (hand select) Include: CTF-C./N7601/50168
 Slip Classification Open
 Case (hand select) Include: CTF-C./N7601/50168
 Slip Transaction Ty 1 - 1

Rate Info - identifies rate source and level

Slip ID	Dates and Time	Posting Status	Description	ATTORNEY Activity Case Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
353303	TIME			DPM	0.75	175.00	131.25
	2/5/2008			Billable	0.00	T@7	
	Billed	G:73022	3/3/2008	CTF-C./N7601/50168	0.00		
			Review referral from Trust Funds; prepare database and load information regarding case facts, history and legal strategy. Prepare/ Open file for litigation; review corporate status and registered agent information for legal process.		0.00		
353305	TIME			DPM	2.00	175.00	350.00
	2/6/2008			Billable	0.00	T@7	
	Billed	G:73022	3/3/2008	CTF-C./N7601/50168	0.00		
			Prepare summons, complaint, appearance forms and civil cover sheet for Trust Funds' claims and compliance matters pursuant to ERISA Sec. 1132, 1145 and Taft-Hartley Act Sec. 301.		0.00		
353306	TIME			DPM	0.50	175.00	87.50
	2/6/2008			Billable	0.00	T@7	
	Billed	G:73022	3/3/2008	CTF-C./N7601/50168	0.00		
			Prepare the complaint, summons, civil cover sheet and appearance for electronic filing; file the documents.		0.00		
353307	TIME			DPM	0.40	175.00	70.00
	2/12/2008			Billable	0.00	T@7	
	Billed	G:73022	3/3/2008	CTF-C./N7601/50168	0.00		
			Review complaint filed at the Federal Court; load information regarding the filing date, case number and assigned judge into the database; review (via the Internet) the judge's standing order regarding pre-trial litigation, motion practice and status hearing dates; update file / database regarding same.		0.00		
353308	TIME			DPM	1.00	175.00	175.00
	2/12/2008			Billable	0.00	T@7	
	Billed	G:73022	3/3/2008	CTF-C./N7601/50168	0.00		

4/30/2008
3:20 PMWHITFIELD, McGANN & KETTERMAN
Slip Listing

Page

2

Slip ID	Dates and Time	ATTORNEY Activity	Units DNB Time	Rate Rate Info	Slip Value
	Posting Status	Case	Est. Time	Bill Status	
	Description	Reference	Variance		
	Prepare correspondence to legal process server Scott Forrest Stern & Associates, Inc. regarding service of the summons and complaint on the defendant; prepare correspondence to James Rosemeyer, ERISA Contributions Manager, Chicago District Council of Carpenters' Trust Funds regarding the filling of the complaint; enclose copy of the summons and complaint; docket follow-up dates for service.		0.00		
354336	TIME	DPM	0.50	175.00	87.50
3/4/2008		Billable	0.00	T@7	
Billed	G:73210 4/2/2008	CTF-C./N7601/50168	0.00		
	Draft correspondence to James Rosemeyer, ERISA Contributions Manager, Chicago District Council of Carpenters' Trust Funds requesting a breakdown of all ERISA fringe benefit contributions owed and the accompanying calculation of liquidated damages and interest pursuant to the terms of the trust agreements and Internal Revenue Code.		0.00		
354335	TIME	DPM	0.50	175.00	87.50
3/4/2008		Billable	0.00	T@7	
Billed	G:73210 4/2/2008	CTF-C./N7601/50168	0.00		
	Review Scott Forrest Stern & Assoc., Inc.'s report on service of the summons and complaint; review process server remarks regarding details of service; review affidavit of service for legality; convert document into pdf format; electronically file the proof of service with the clerk of the U.S. Dist. Court for the Northern Dist. of Illinois; docket follow-up dates for Answer due date.		0.00		
354302	TIME	DPM	0.25	175.00	43.75
3/4/2008		Billable	0.00	T@7	
Billed	G:73210 4/2/2008	CTF-C./N7601/50168	0.00		
	Review e-mail sent by the U.S. Dist. Court for the Northern Dist. of Illinois regarding MINUTE entry before Judge Matthew F. Kennelly :Status hearing set for 5/7/2008 at 09:30 AM. in courtroom 2103. ; download documents to the file folder; print document and enclose in file.		0.00		
354339	TIME	DPM	0.25	175.00	43.75
3/6/2008		Billable	0.00	T@7	
Billed	G:73210 4/2/2008	CTF-C./N7601/50168	0.00		
	Review e-mail sent by the U.S. Dist. Court		0.00		

4/30/2008
3:20 PMWHITFIELD, McGANN & KETTERMAN
Slip Listing

Page

3

Slip ID	ATTORNEY	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Case	Est. Time	Bill Status	
Description	Reference	Variance		
for the Northern Dist. of Illinois regarding SUMMONS Returned Executed by Trustees of the Chicago Regional Council of Carpenters Pension Fund, Chicago Regional Council of Carpenters Welfare Fund, Chicago Regional Council of Carpenters Apprentice & Trainee Program Fund as to Benchmark Overhead Door Corp. on 2/28/2006, answer due 3/20/2006.; download documents to the file folder; print document and enclose in file.				
355841	TIME	DPM		
4/7/2008	Billable	0.25	175.00	43.75
WIP	CTF-C./N7601/50168	0.00	T@7	
Review correspondence from Trust Fund employee, Richard Oginski regarding the amounts owed and calculation of liquidated damages and interest pursuant to the terms of the trust agreements and Internal Revenue Code; download the documents, print and enclose in the file.		0.00		
357111	TIME	DPM		
4/23/2008	Billable	1.00	175.00	175.00
WIP	CTF-C./N7601/50168	0.00	T@7	
Prepare affidavit for James Rosemeyer, ERISA Contributions Manager, Chicago District Council of Carpenters' Trust Funds in support of the Trust Funds' motion for default judgment; affidavit to support claim for ERISA fringe benefit contributions, and calculation of liquidated damages and interest pursuant to the terms of the trust agreements and Internal Revenue Code; prepare correspondence to Rosemeyer regarding the affidavit and request for execution.		0.00		
357113	TIME	DPM		
4/24/2008	Billable	0.50	175.00	87.50
WIP	CTF-C./N7601/50168	0.00	T@7	
Review file for all entries for the attorney billings and costs incurred; compare with work performed on the file; prepare attorney fee declaration / affidavit and exhibits; incorporate amounts into the motion and judgment order; prepare the document for electronic filing.		0.00		

4/30/2008
3:20 PMWHITFIELD, McGANN & KETTERMAN
Slip Listing

Page

4

Slip ID	ATTORNEY	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Case	Est. Time	Bill Status	
Description	Reference	Variance		
357114	DPM	1.50	175.00	262.50
4/28/2008	Billable	0.00	T@7	
WIP	CTF-C./N7601/50168	0.00		
Review court file to determine if Answer filed; review office file for Answer; confirm Answer due dates; review U. S. District Court website to verify the date and time that the presiding Judge hears motions; prepare motion for default judgment pursuant to F. Rul. Civ. P. 55 for failure to Answer or otherwise plead.		0.00		
Grand Total				
	Billable	9.40		1645.00
	Unbillable	0.00		0.00
	Total	9.40		1645.00

*Filing Fee
Service*

*# 350
160*

2,155.00

STERN PROCESS & INVESTIGATION, LLC

Tax ID 04-3801615

205 W. RANDOLPH ST 1210

CHICAGO, IL, 60606

Phone (312)-853-2150

Fax (312)-853-3119

Customer

WHITFIELD, MCGANN & KETTERMAN

111 E WACKER DRIVE 2600

CHICAGO, IL, 60601

Phone: (312)-251-9700 Fax: (312)-251-9701

Invoice# 177856

Date Of Invoice: 2/28/2008

Plaintiff: Trustees of the Regional Council of Carpenters Pension Fund

Court CaseID: 08C797

Firm# N7601/DPM

Case Returned Date: 3/14/08

County: UNITED STATES DISTRICT COURT

Process Server: ERIC L. BEY

ProcessType: SUMMONS AND COMPLAINT

Defendant:#1 Benchmark Overhead Door Corp.

Type Of Service: CORPORATE SERVICE

Person Served: JOE BERGLUND (ATTORNEY)

Date Of Service: 2/28/2008 Time: 10:31 AM

Sex MALE Age 47 Height 6'0" Build MEDIUM Hair Color GREY Race WHITE

Defendant:#2

Type Of Service:

Person Served:

Date Of Service:

Time:

Sex

Age

Height

Build

Hair Color

Race

Location 900 JORIE BLVD STE 122, OAK BROOK, IL, 60521 Type Of Premise: OFFICE

Delivery Charge	\$55.00	Rush	\$0.00
Bad Address	\$0.00	Filing	\$0.00
No Contact	\$0.00	Investigation	\$0.00
Database/Skip	\$0.00	Advanced fees	\$0.00

Total: \$55.00

Date Received

Check No

Amount Received

\$0.00

Balance Due

\$55.00

INFORMATION DEEMED RELIABLE BUT NOT GUARANTEED

PAYABLE UPON RECEIPT, 2% PER MONTH

STERN PROCESS & INVESTIGATION, LLC

Tax ID 04-3801615

205 W. RANDOLPH ST 1210

CHICAGO, IL, 60606

Phone (312)-853-2150

Fax (312)-853-3119

Customer

WHITFIELD, MCGANN & KETTERMAN

111 E WACKER DRIVE 2600

CHICAGO, IL, 60601

Phone: (312)-251-9700 Fax: (312)-251-9701

Invoice# 177209**Date Of Invoice:** 2/20/2008**Plaintiff:** Trustees of the Regional Council of Carpenters Pension Fund**Court CaseID:** 08C797**Firm#** N7601/DPM**Case Returned Date:** 3/14/08**County:** UNITED STATES DISTRICT COURT**Process Server:** ERIC L. BEY**ProcessType:** SUMMONS AND COMPLAINT

Defendant:#1 Benchmark Overhead Door Corp.				Type Of Service: NON-SERVICE	
Person Served:				Date Of Service: 2/18/2008	Time: 10:49 AM
Sex	Age	Height	Build	Hair Color	Race

Defendant:#2				Type Of Service:	
Person Served:				Date Of Service:	Time:
Sex	Age	Height	Build	Hair Color	Race

Location 600 Hunter Drive #225, Oak Brook, IL, 60523**Type Of Premise:** BUSINESS

Delivery Charge	\$0.00	Rush	\$0.00
Bad Address	\$55.00	Filing	\$0.00
No Contact	\$0.00	Investigation	\$0.00
Database/Skip	\$50.00	Advanced fees	\$0.00

Total: \$105.00**Date Received****Check No****Amount Received**

\$0.00

Balance Due

\$105.00

INFORMATION DEEMED RELIABLE BUT NOT GUARANTEED**PAYABLE UPON RECEIPT, 2% PER MONTH**

ClientCaseID: N7601/DPM

Law Firm ID: WHITFIEL



CaseReturnDate: 3/14/08

Affidavit of Special Process Server

UNITED STATES DISTRICT COURT

Case Number **08C797**

I, **ERIC L. BEY**

FIRST DULY SWORN ON OATH STATES THAT I AM OVER 18 YEARS OF AGE AND NOT A PARTY TO THIS SUIT AND IS A REGISTERED EMPLOYEE OF ILLINOIS DEPARTMENT OF PROFESSIONAL REGULATION PRIVATE DETECTIVE AGENCY #117-001292 STERN PROCESS & INVESTIGATION LLC 205 W. RANDOLPH ST. #1210 CHICAGO IL 60606

NON-SERVICE

DEFENDANT NAME **Benchmark Overhead Door Corp.**

I HAVE ATTEMPTED TO SERVE **SUMMONS AND COMPLAINT**

AT THE LOCATION **600 Hunter Drive #225**

Oak Brook, IL, 60523

BEING A **BUSINESS**

ON THE DEFENDANT ON THIS CAUSE AND HAVE BEEN UNABLE TO SERVE BECAUSE:

I MADE CONTACT WITH JENNIFER (FEMALE, WHITE, 32) OF WARREN INTERNATIONAL IN SUITE 250, WHO ADVISED THAT THE BUSINESS MOVED OUT OF THE BUILDING 1 MONTH AGO. BAD ADDRESS. UNABLE TO SERVE. A SKIPTRACE LOCATED THE DEFENDANT TO 900 JORIE BLVD STE 122, OAK BROOK, IL 60521. SERVICE WILL BE ATTEMPTED AT THIS ADDRESS.

Date Of Last Attempt **2/18/08**

Time **10:49 AM**


ERIC L. BEY

2/20/2008

Special Process Server

P.E.R.C.#129-303704

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statement are true and correct, except as to matters therein stated to be on information and belief and such matters the undersigned certifies as aforesaid that he/she verily believes same to be true.

